



Dennis J. Duffin
Director

The Commonwealth of Massachusetts

Office of Campaign & Political Finance

*One Ashburton Place, Boston 02108
727-8352*

June 9, 1988
AO-88-22

Arthur W. Corey, Jr.
18 Viewcrest Drive
Falmouth, MA 02540

Dear Mr. Corey:

This letter is in response to your request for an advisory opinion concerning the application of M.G.L. c.55 to your activities as a public employee.

You have stated that you have the following positions/titles: Fire Fighter for the town of Falmouth; Secretary/Treasurer of the Falmouth Fire Fighters Local 1397, International Association of Fire Fighters; District 8 Vice President of the Professional Fire Fighters (with the district covering 27 locals in southeastern Massachusetts); Member and Fire Chairman for the Joint Labor-Management Commission for Municipal Police and Fire; and elected member to the Falmouth Contributory Retirement Board.

You have asked whether there are any restrictions regarding the solicitation of funds from labor unions and/or members of labor unions by your campaign finance committee or the treasurer of your committee.

Section 13 of M.G.L. c.55 states, in pertinent part:

"No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise

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of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility."

Your campaign finance committee may solicit and receive contributions for your candidacy from public employees including labor unions, subject to the prohibition in section 13 of M.G.L. c.55 against the solicitation or receipt of funds "from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility." As you have described the various positions you hold with the union and the Joint Labor-Management Commission these positions do not appear to be part of your official duties as a Fire Fighter. Based on this assumption, this office is of the opinion that your committee and your treasurer would be permitted to solicit contributions from union members under the provisions of M.G.L. c.55.

You should also be aware of the following provisions in the law:

Section 16 of M.G.L. c.55 states: "No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."

Section 17 of M.G.L. c.55 states: "No officer or employee of the commonwealth or of any county, city or

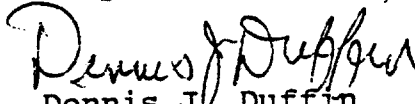
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town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose."

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55. We have assumed that your treasurer is not a public employee. Additionally, other statutes and regulations, such as M.G.L. c.268, section 9A, and M.G.L. c. 268A, the state ethics law, may be applicable to your activities.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,,


Dennis J. Duffin
Director

DJD/ba